



201000245880

NOTICE 1/7

Deed Notice – OU3, Site 3  
When recorded, mail certified copy to:  
United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
Attn: Carlos Sanchez

### DEED NOTICE

STATE OF TEXAS           §  
                                      §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS     §

PLEASE TAKE NOTICE THAT: This Deed Notice, ("Deed Notice") is made by TXI Operations LP ("Owner") dated as of this the 17<sup>th</sup> day of September, 2010, with respect to real property containing 0.468 of an acre of land located in Dallas County, Texas, more particularly described in Exhibits A and B, attached hereto and incorporated herein for all purposes (the "Property").

Pursuant to the Consent Decree for the RSR Superfund Site, in the *United States of America and State of Texas v. Quemetco Metals Limited, Inc., Quemetco, Inc., and RSR Corporation*, in the United States District Court for Northern District of Texas, Dallas Division, Civil Action No. 3-01CV0924-D, entered by the court on July 21, 2003 ("Consent Decree"), remedial activities were initiated in February 2004 at OU3, Site 3, which includes the Property (see Exhibit A), in accordance with the selected remedy specified in the Record of Decision, RSR Corporation Superfund Site, Operable Unit 3, Landfills and Slag Piles, dated September 30, 1997 ("OU-3 ROD"). As reported in the Final Remedial Action Report, RSR Corporation Superfund Site, Operable Unit 3, Sites 1, 3 and 4, dated November 9, 2004 ("OU-3 Final Remedial Action Report"), those remedial activities were completed in September 2004. Copies of the OU-3 ROD, Consent Decree and OU-3 Final Remedial Action Report are available at the Environmental Protection Agency ("EPA") Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733.

The selected remedy specified in the OU-3 ROD was designed to eliminate or minimize the threat of exposure to metal contaminants, including lead, present in slag piles and/or landfill areas of OU-3 through direct contact, inhalation and/or ingestion by on-site and/or off-site receptors to reduce the potential migration of those contaminants.

The selected remedy is to be maintained on the Property. The metes and bounds of the Property are described in Exhibit B. This deed notice applies only to the 40 foot x

510 foot area designated as the Property in Exhibit B. No provision of this deed notice is applicable to any area of land that lies outside the Property.

In accordance with the selected remedy, lead slag and/or lead acid battery chips may remain within the Property as of the date of the execution of this deed notice. The selected remedy requires the maintenance of a barrier over the contaminated areas in order to prevent direct contact with any residual soil contamination above health-based levels that remain within the Property. Because hazardous substances may remain on-site above health-based levels, the OU-3 ROD requires five-year reviews of the Property to ensure that the selected remedy continues to provide adequate protection of human health and the environment. Accordingly, this deed notice shall remain in place until the Property identified in Exhibit B supports unlimited use as specified in the OU-3 ROD, and prior written approval is provided by the EPA or its successor agencies.

A Five-Year Review completed on September 29, 2005, determined that the remedy for the RSR Corporation Superfund Site is protective of human health and the environment and will remain so provided certain institutional controls are implemented, including the recording of deed notices specifying the requirement to maintain the integrity of the protective soil covers and caps. Disturbance of, destruction of, interference with, removal of soil and/or groundwater, or damaging or altering elements of the selected remedy in anyway without authorization from EPA or its successor agencies may subject the Property owner and/or the party causing disturbance to legal liability under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), or other laws.

In addition, pursuant to the OU-3 ROD, any unsafe site development, invasive digging or drilling of the selected remedy or other barrier located within the Property that would disturb the capped or covered areas in place within the Property, or damage of any element of the selected remedy is prohibited unless approved in advance by EPA in writing. Further, under Title 30, Texas Administrative Code, Chapter 350, Subchapter F, future use of the Property may be restricted to commercial or industrial use.

Pursuant to the Consent Decree, the Property may be subject to additional future environmental requirements under CERCLA 42 U.S.C. § 9601 *et seq.*, or as may be determined necessary by EPA or its successor agencies. Any owner of the Property may become liable jointly and severally under Federal or Texas law, for any environmental response action required on the Property.

By: Barry M Bone

Barry M. Bone  
TXI Operations LP  
1341 W. Mockingbird Ln.  
Dallas, Texas 75247-6913

Date: 9-17-10

By Barry m. Bone

Signed in my presence on the 17th day of September, 2010, in the presence of the undersigned competent witnesses and me, Notary, after reading of the whole.

Witnesses:

Kristina A. Thomas

Print Name: Kristina A. Thomas

Sandra K. Armstrong

Print Name: SANDRA K. ARMSTRONG

Heather O'Mara

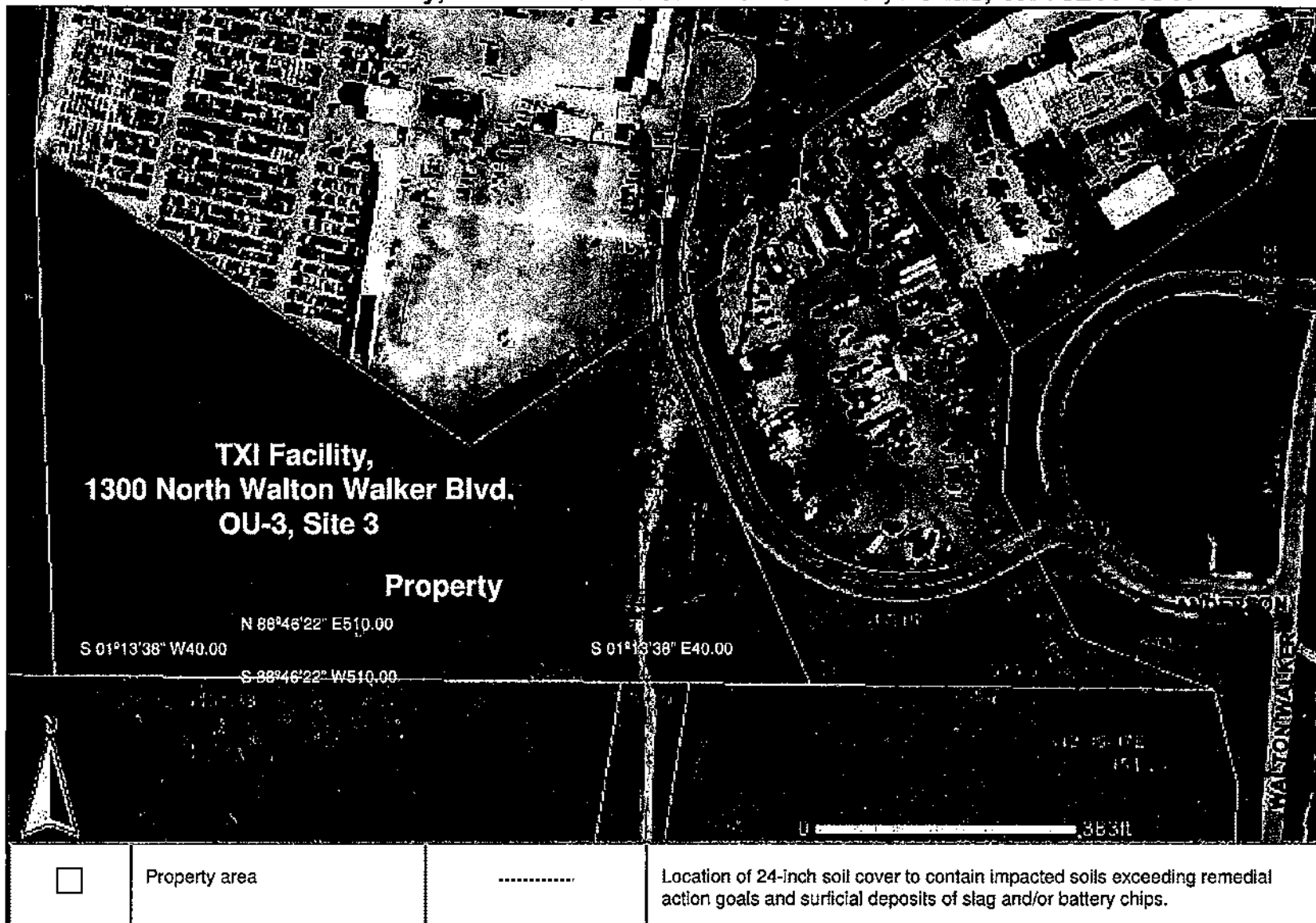
Notary Public, State of:

My commission expires:



5222445.2  
1505-02

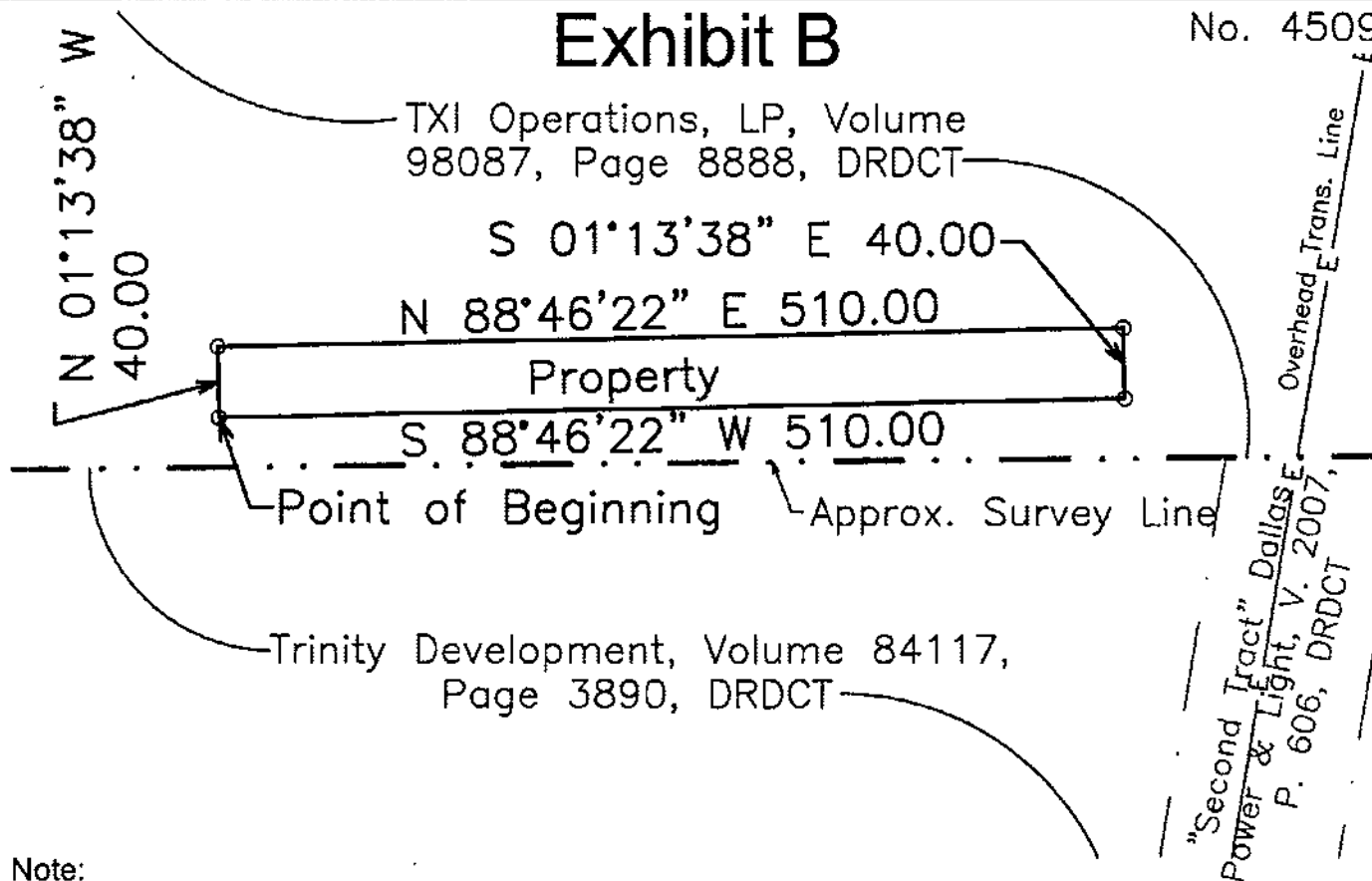
**EXHIBIT A: TXI Facility, 1300 North Walton Walker Blvd., Dallas, TX 75211-1041**



Source: (i) Property detail: Dallas Central Appraisal District; (ii) Location of soil cap: OU-3 Final Remedial Action Report, Figure 5b.

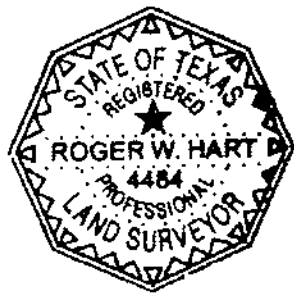
# Exhibit B

No. 45096



## Note:

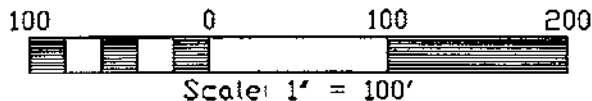
Bearings based on the Texas State Plane Coordinate System, North Central Zone.



*R. W. Hart*



**NORTH**



Map Showing  
Consolidated Area  
Being a tract of land in the  
**James Horton Survey,**  
**Abstract Number 610,**  
City of Dallas, Dallas County, Texas.

See Attached Field Notes  
Prepared 07/27/10



**AREA SURVEYING, INC.**

Surveying / Mapping

135 Sheffield Drive / Fort Worth, TX 76134  
Voice: 817.293.5684 / Fax: 817.764.2328  
[www.areasurveying.com](http://www.areasurveying.com)

## Exhibit B

Description for a tract of land in the James Horton Survey, Abstract Number 610, City of Dallas, Dallas County, Texas, and being a portion of a tract of land described in a deed to TXI Operations, LP, recorded in Volume 98087, Page 8888, Deed Records, Dallas County, Texas, and more particularly described as "TRACT 2" in a deed to Texas Industries, Inc., recorded in Volume 69087, Page 1641, Deed Records, Dallas County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin set with yellow cap stamped "AREA SURVEYING", said pin lying 584.67 feet, North 86 degrees 40 minutes 50 seconds East from the northwest corner of a 48.9156 acre tract of land described in a deed to Trinity Development, recorded in Volume 84117, Page 3890, Deed Records, Dallas County, Texas, said pin having a Northing of 6,961,823.34 and an Easting of 2,453,071.80, according to the Texas State Plane Coordinate System, North Central Zone;

THENCE North 01 degree 13 minutes 38 seconds West a distance of 40.00 feet to a 1/2" iron pin set with yellow cap stamped "AREA SURVEYING";

THENCE North 88 degrees 46 minutes 22 seconds East a distance of 510.00 feet to a 1/2" iron pin set with yellow cap stamped "AREA SURVEYING", from which the northwest corner of "Second Tract" as described in a deed to Dallas Power & Light, recorded in Volume 2007, Page 606, Deed Records, Dallas County, Texas, bears 93.50 feet, bears South 38 degrees 23 minutes 59 seconds East;

THENCE South 01 degree 13 minutes 38 seconds East a distance of 40.00 feet to a 1/2" iron pin set with yellow cap stamped "AREA SURVEYING" from which a 2" iron pipe found for an angle point in the west line of said Dallas Power & Light tract bears 2,100.54 feet South 07 degrees 41 minutes 38 seconds West;

THENCE South 88 degrees 46 minutes 22 seconds West a distance of 510.00 feet to the POINT OF BEGINNING, said described tract containing 0.468 of an acre of land.

Bearings based on the Texas State Plane Coordinate System, North Central Zone.

A drawing should accompany this description.

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AREA SURVEYING, INC.

Surveying / Mapping

135 Sheffield Drive / Fort Worth, TX 76134  
Voice: 817.293.5684 / Fax: 817.764.2328  
www.areasurveying.com

Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
09/24/2010 01:19:04 PM  
\$35.00



A handwritten signature, likely of John F. Warren, is written in black ink. The signature is stylized and appears to be "JFW".

201000245880

Dallas County, TEXAS  
509 Main Street, Suite 200  
Records Building 2nd Floor  
Dallas, TX 75202  
Phone: (214) 653-7099



John F Warren, County Clerk

Receipt for Services

Cashier DALEXANDER

Batch # 305277

Date: 09/24/2010 Time: 01:19:04PM

Customer Name BICKLE & BREWER

Date	Instrument No	Document Type	Transaction Type	GFNumber	Pg/Amt
9/24/2010 1:19:04PM	201000245880	NOTICE	ALL		7

CHECK	84053				36.00
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Payment Total:	36.00
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